TRAFFICKING
CE

Victim or Criminal?

Trafficking for Forced Criminal Exploitation in Europe.

UK chapter

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Introduction

Trafficking for forced criminality and forced begging is increasingly being recognised as an issue of concern in the UK[1]. Cases have been reported of trafficked persons, both children and adults, forced to undertake a range of criminal activities, including ATM theft, pickpocketing, bag-snatching, counterfeit DVD selling, cannabis cultivation, benefit fraud, forced sham marriage, as well as being forced to beg.

This chapter provides an overview of the nature and scope of trafficking for criminal exploitation and begging in the UK, before focusing on the two most common types of criminal exploitation: forced labour in cannabis cultivation, and in petty crime and begging. Other criminal activities through which trafficking victims are exploited will also be briefly explored. The chapter provides an overview of the relevant UK legislation and policy and the important non-punishment provisions to prevent the criminalisation of trafficking victims, as well as a brief discussion of victim experiences.

Nature and Scope of Trafficking for Forced Criminal Exploitation and Begging

A baseline assessment by the UK Human Trafficking Centre (UKHTC) in 2012[2] identified 2,255 potential victims of trafficking, a nine per cent increase from the previous year. This figure includes those who were identified through the National Referral Mechanism (NRM)[3] as well as those identified through responses to information requests from UK police forces, Police Scotland, the United Kingdom Border Agency (UKBA), the Gangmasters' Licensing Authority, all Local Safeguarding Children Boards and 23 Non-Governmental Organisations (NGOs) who work with victims of trafficking[4]. Of the 2,255 individuals, 362 (16%) were identified as having been trafficked for the purposes of criminal exploitation, including benefit fraud.

In 2012, there was a 25% increase on the 2011 referral totals[5]; and a 27% increase in the number of adults trafficked for labour exploitation, a category which includes criminal exploitation through activities such as theft, shoplifting, drugs production and benefit fraud. The referral figures for the first quarter of 2013 also showed a 23%

[1] SOCA, 2013. UKHTC: A Baseline Assessment on the Nature and Scale of Human Trafficking in 2012 [Online]. Available at: www.soca.gov.uk/news/462-human-trafficking-assessment-published [last accessed September 2013].
[2] SOCA, 2012. *supra* note 1
[3] Established as part of the UK governments obligations under Article 10 of the Council of Europe Convention on Action Against Trafficking in Human Beings (2005) (Available at http://www.conventions.coe.int/Treaty/EN/treaties/Html/197.htm) to identify victims of trafficking.
[4] Despite this, the research figures shown are still likely to significantly underestimate the scale of human trafficking across the UK. There remain issues with the NRM as a system of identification for trafficking victims (see The Anti-Trafficking Monitoring Group (ATMG) report (2010), *Wrong Kind Of Victim?*), including the fact that some victims may not self-identify as victims or refuse to be entered into the NRM. This is coupled with the fact that the UKHTC's request for data for the assessment was not sent to local authorities and was only answered by half of the UK's police forces.
[5] UK Human Trafficking Centre, NRM provisional statistics for 2012 [Online]. Available at http://www.soca.gov.uk/about-soca/about-the-ukhtc/national-referral-mechanism/statistics [last accessed July 2013]

increase on the previous quarter which indicates that the numbers of potential victims referred into the NRM could continue to rise. Given the flaws in the NRM as an identification tool and concerns over decision-making in the system[6], it is acknowledged that there could be "significantly more victims of criminal exploitation…particularly the number of children forced into criminality such as street begging"[7].

The UKHTC baseline assessment highlights cases of trafficking for a range of criminal activities including cannabis cultivation, theft (including pickpocketing and ATM theft), drug trafficking, forced sham marriages, selling counterfeit DVDs and smuggling cigarettes, and forced begging. Of the 362 potential victims identified who had been trafficked for criminal exploitation, 58% (209) were exploited through benefit fraud; being made to apply for benefits on their arrival into the UK but being unable to access the bank account into which they were paid. These victims mainly originated from Poland and Slovakia[8].

Trafficked persons can be subjected to multiple types of exploitation, with one of the most common combinations being labour exploitation and criminal exploitation[9]. Victims can also be criminally exploited in more than one way, for instance, being forced to commit petty crime whilst benefit payments are fraudulently being claimed in their name.

Although trafficked persons have been exploited in the UK through a range of criminal activities, they have most commonly been forced to work in cannabis farms and participate in street criminality, such as pickpocketing and ATM theft. These two issues will be addressed separately below, followed by an analysis of other emerging trends.

Trafficking for forced labour in cannabis cultivation

The UKHTC in its baseline assessment report found that the number of potential victims trafficked for cannabis cultivation increased 130% between 2011 and 2012[10]. Evidence shows that the most prevalent form of child trafficking in the UK is for forced labour in cannabis cultivation and data from the NRM consistently shows that Vietnam is the single largest source country for child victims of trafficking.

[6] See, for instance, ATMG, June, 2010. '*Wrong Kind of Victim*?' pp. 29-43. Available at: http://www.antislavery.org/includes/documents/cm_docs/2010/a/1_atmg_report_for_web.pdf [Last accessed 31st August 2013] and http://www.ecpat.org.uk/sites/default/files/ecpat_uk_briefing_on_the_nrm_for_children.pdf [Last accessed 14th October 2013]

[7] Secretary of State for the Home Department (IDMG), (October 2012), 'First annual report of the Inter-Departmental Ministerial Group on Human Trafficking', p. 5

[8] The 2012 baseline assessment provides a comprehensive breakdown of referrals and outlines that the top five most frequently recorded countries of origin are Romania 272 (12%), Poland 240 (11%), Nigeria 209 (9%), Vietnam 133 (6%), and Hungary 125 (6%). This differs slightly for the 549 identified child victims of trafficking (almost a quarter of the total number of referrals), where the most significant source countries were Vietnam, Nigeria, Slovakia, Romania and the UK.

[9] SOCA 2013, *supra* note 1, p. 19

[10] 30 victims were identified in 2011 and 69 were identified in 2012. See SOCA 2013, *supra* note 1. P. 17

Furthermore, of all the potential trafficking victims identified who were forced into cannabis cultivation, 96% were from Vietnam, 81% of whom were children[11].

The trend of trafficking of Vietnamese adults and children for forced 'work' in cannabis farms has existed for a number of years and has been identified by a number of organisations, for instance by ECPAT UK in 2007[12], the Child Exploitation and Online Protection (CEOP) Centre in 2007[13], and the Refugee Council in their 2009 report[14]. Parallel to this, there has been a large rise in the number of cannabis farms being identified across the UK. In 2011-12 the police identified 7,865 cannabis farms, a sharp increase from 3,032 in 2007/8[15]. Police intelligence[16] has shown that many of these farms were controlled by Vietnamese criminal gangs, who would traffic Vietnamese children and adults into the UK as 'low-cost' labour in the production process. Profits from this activity can be worth millions, and are often laundered through other businesses owned by the criminal organisation, such as nail bars, before being physically moved as cash back to Vietnam[17]. A police source[18] noted the sudden recent increase in the number of nail bars,[19] and that a number of Vietnamese children found within them had disclosed that they had been told to find the nearest nail bar upon arrival in a UK town or city. They were often subsequently sent to work in either a cannabis farm or a nail bar. Research has also indicated that control of some of the UK's cannabis production is shifting to white British[20] and Albanian[21] gangs, but that children from Vietnam continue to be trafficked to the UK to work as farmers.

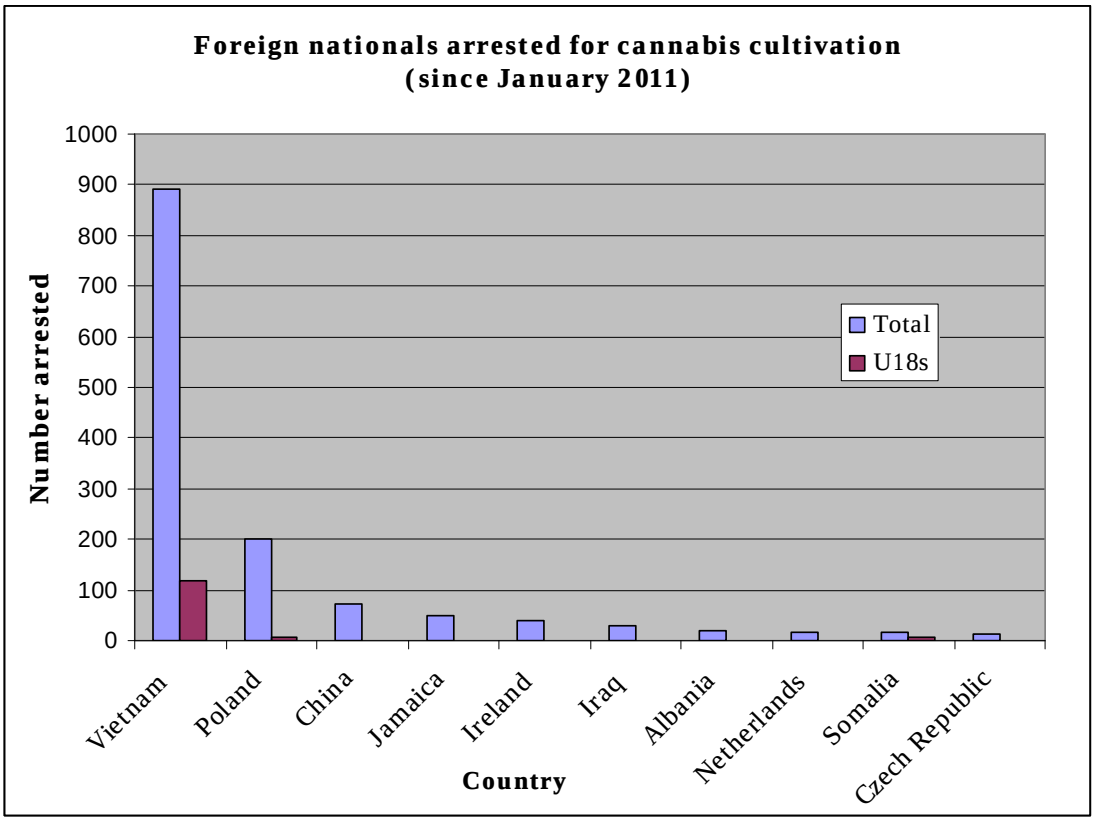
[11] SOCA, *supra* note 1, p.25
[12] ECPAT, 2007, Missing Out: a study of child trafficking in the North-West, North-East and West Midlands.
[13] CEOP *A scoping report on child trafficking in the UK.* 2007
[14] Refugee Council Children's Section, 2009. *Prosecuted or protect? The experience of children trafficked to the UK for cannabis cultivation.* The report detailed experiences of 18 Vietnamese children with whom they had come in to contact who had been trafficked to work in cannabis farms.
[15] Association of Chief Police Officers (ACPO), 2012, UK National Problem Profile: Commercial Cultivation of Cannabis, p. 2
[16] ACPO, 2010. 'Findings from the UK National Problem Profile :Commercial Cultivation of Cannabis. Three years on…'. Available at: http://www.acpo.police.uk/documents/crime/2010/201008CRICCC01.pdf [Last accessed 31st July 2013]
[17] CEOP, 2011. *The trafficking of women and children from Vietnam.* Available from http://ceop.police.uk/Documents/ceopdocs/NPM_CEOP_FCO_report_-_trafficking_of_Vietnamese_women_and_children.pdf [last accessed 31st July 2013]
[18] Interview with a police officer as part of RACE project research conducted on 21st August 2013
[19] There was a 20% increase in the number of nail bars in Britain between August 2012 and August 2013. See The Sunday Times, 18th August 2013, Beauty and the Beasts. http://www.thesundaytimes.co.uk/sto/news/uk_news/Society/article1302165.ece?CMP=OTH-gnws-standard-2013_08_17 [Last accessed 10th December 2013]
[20] ACPO, 2010. 'Findings from the UK National Problem Profile :Commercial Cultivation of Cannabis. Three years on…'. Available at: http://www.acpo.police.uk/documents/crime/2010/201008CRICCC01.pdf [Last accessed 31st July 2013]
[21] The RACE in Europe project held a roundtable in May 2013 in which this trend was reported by frontline professionals working in the South-West of England.

Research in 2013 by the *RACE in Europe* project supported existing intelligence regarding this trafficking trend. A recent[22] freedom of information (FOI) request to all police forces across the UK[23] found that, since January 2011, 1,405 individuals have been arrested for offences relating to the cultivation of cannabis under Section 4(2) and Section 6(2) of the Misuse of Drugs Act 1971[24]. 63% of those arrested were Vietnamese, of whom 13% were children.

Often one of the key difficulties for trafficking victims who are foreign nationals is the lack of any documents to ascertain identity and, importantly, age. In ECPAT UK's experience, many child victims are treated as adults when arrested as they have no documentation to prove their identity or age. This means that they are not given adequate protection as children and can end up in adult prisons without appropriate safeguarding mechanisms in place.

The graph below depicts the top ten countries of origin of those arrested for these offences.

Graph 1. *Top ten countries of origin of foreign nationals arrested for cannabis cultivation since January 2011 from FOI requests in April 2013*



[22] The FOI requests were sent in April 2013.
[23] 23 of 47 police forces across the UK provided data in response to the FOI request.
[24] Misuse of Drugs Act (1971) Available at http://www.legislation.gov.uk/ukpga/1971/38/section/5 [last accessed 10th December 2013]

According to the data received, 130 children have been arrested for offences relating to the cultivation of cannabis since 2011, of which, 117 of these children were from Vietnam (the remaining 13 came from Somalia (6), Poland (6) and the Netherlands (1)). Vietnamese nationals therefore represent 90% of the total number of children arrested for such offences.

While it cannot be conclusively stated that all those arrested were trafficked into the UK for forced labour in cannabis farms, we know that being found in a cannabis farm is a very strong indicator of trafficking[25]. Hence, the figures go some way to indicate the true scale of the problem.

Trafficking risk factors in Vietnam

To better understand why Vietnamese in particular are being targeted, it is necessary to examine the situation in the country of origin and to ascertain the possible push and pull factors that lead to their trafficking and subsequent exploitation.

Traffickers in Vietnam tend to recruit extensively in rural areas. Despite Vietnam's recent rapid economic growth, the distribution of this wealth has been skewed towards urban areas. This has resulted in rising unemployment in rural areas. Attempts by the Vietnamese Government to address rural unemployment have resulted in people being encouraged to seek employment in overseas labour schemes. While these can bring great benefits to individuals and the Vietnamese economy, they are often poorly regulated and can create an opportunity for organised criminal networks to traffic individuals. Poor access to education is also a contributing factor; with 40-50% of rural children not continuing education beyond the age of 14[26]. Save the Children found that 93.5% of returned child victims of trafficking had a low education level[27]. Rural areas also have comparatively large ethnic minorities, who are often vulnerable to discrimination and generally fair badly in a variety of social welfare indicators, including impoverishment and access to education. This further exacerbates their vulnerability to human traffickers.

In recognition of the large number of people being trafficked from and within Vietnam (over 40,000 women and children were recorded as being missing and unaccounted for between 2005 and 2009), the Vietnamese Government introduced a cross-cutting anti-trafficking initiative called Programme 130. However, the reach of such initiatives is limited in those remote and rural areas in which children are most

[25] This has been highlighted not only by NGOs but also in guidance issued by the Association of Chief Police Officers (ACPO) of England, Wales and Northern Ireland entitled 'Position from ACPO Lead's on Child Protection and Cannabis Cultivation on Children and Young People Recovered in Cannabis Farms'. Available at: http://ceop.police.uk/Documents/ceopdocs/externaldocs/160810_ACPO_lead's_position_on_CYP_recovered_from_cannabis_farms_FINAL.pdf [Last accessed 17th August 2013]

[26] CEOP, in association with the British Embassy, Hanoi, 2011, 'The trafficking of women and children from Vietnam'. Available at http://ceop.police.uk/Documents/ceopdocs/NPM_CEOP_FCO_report_-_trafficking_of_Vietnamese_women_and_children.pdf [last accessed 22nd July 2013]

[27] CEOP, *supra* note 20, p.13

vulnerable[28]. Furthermore, it should be noted that preventative efforts in Vietnam have traditionally focused on women and girls. This leaves boys vulnerable, and is an issue that has to be tackled since the available data shows that the majority of Vietnamese children being trafficked into countries such as the UK are male[29].

Trafficking journey

Traffickers make promises of a better life abroad, which appeal particularly to those from poor backgrounds or to those under pressure from impoverished and/or indebted families. A strategy often used by traffickers is to recruit children by making initial contact through online chat rooms, befriending and building a relationship with the potential victim[30]. The traffickers are often more educated and articulate than those they recruit, reinforcing the idea that the victim may be able to share in the perceived success of the trafficker.

Many victims are taken to China and then flown to Russia. From there they are transported in lorries to Poland, the Czech Republic, Germany, France and finally the UK[31] and Ireland. Vietnamese trafficking networks utilise other criminal organisations in transit countries to facilitate the trafficking of Vietnamese nationals throughout Europe. On reaching the UK they enter clandestinely through seaports. These lengthy and traumatic journeys, often punctuated by periods of exploitation, can disorientate victims and impair an individual's ability to recall details of their routes[32] and their entry into the country[33].

Once in the cannabis farms they are made to work as 'gardeners', tending to and watering the plants. Their position is at the bottom of the criminal enterprise. Victims are often isolated, locked in the property and forced to sleep on floors and in cupboards. Those that are allowed to venture outside will be accompanied by a member of the criminal network. The traffickers often use emotional and/or physical abuse to ensure compliance with their instructions. Debt bondage is a common means of controlling trafficking victims from Vietnam. They are told that they have developed significant debts as a result of being transported to the UK, which they must pay off through work in a cannabis farms. The debts are often set at an inflated rate – in two cases the level of debt was £17,000 and £20,000[34] – and may take several years to work off. Responsibility for a proportion of the debt may also be placed on their family. Unable to borrow money from banks, they may turn to money lenders who are often connected to the trafficking networks. This provides an extra mechanism to control and subsequently exploit a vulnerable victim and their family.

[28] CEOP, *supra* note 20, p.5
[29] CEOP, *supra* note 20, p. 11
[30] CEOP, *supra* note 20, p.16
[31] CEOP, 2010, Strategic Threat Assessment: Child Trafficking in the UK. Available at: http://ceop.police.uk/Documents/ceopdocs/Child_Trafficking_Strategic_Threat_Assessment_2010_NPM_Final.pdf [Last accessed 30th July 2013]
[32] See ATMG, 2013. 'In the Dock', p.83
[33] CEOP, 2011. Child Trafficking Update, p.14. Available at: http://ceop.police.uk/Documents/ceopdocs/child_trafficking_update_2011.pdf [Last accessed 30th July 2013]
[34] CEOP, *supra* note 20, p. 17

The conditions within the cannabis farms are often hazardous; the gardener can be exposed to constant heat and light, noxious fumes and the risk of fire. There is also the risk of electrocution due to the illegal rewiring of the electricity supply, and harm from the traps that some gangs lay to deter rivals from attacking their premises. Health and safety guidance issued by the police for officers entering a cannabis farm lists in detail the hazards that those working within them may face[35]. ECPAT UK is aware of one case where a Vietnamese national died when falling from the roof of a cannabis factory whilst trying to escape from an attack from rival gangs[36].

If found working in cannabis factories Vietnamese trafficking victims often appear extremely wary of authorities and communicate little about their experience or their captors. This may be born out of fear that harm will be done to their families, and a degree of mistrust of authorities stemming from their perceptions of law enforcement in Vietnam and/or what their traffickers have told them to expect of officials in the UK[37].

[35] See for example, guidance issued by Kent police. Available at: http://www.kent.police.uk/about_us/policies/m/m134.html [Last accessed 27th Sept 2013]
[36] BBC, 10th January 2011, *Essex cannabis factory death man was Vietnamese farmer* http://www.bbc.co.uk/news/uk-england-essex-12152249 [Last accessed 27th October 2013]
[37] CEOP, supra note 23, p. 9

CASE STUDY: Trafficking for forced labour in cannabis cultivation

Fifteen-year-old Hai* grew up in a village in Vietnam and did not go to school. When his father died, Hai tried to make a living in the capital selling plastic bottles for recycling. A man approached him and said he could earn lots of money in Europe. Hai would have to raise several thousand dollars for an agent to take him. His mother took out a loan against their house and an uncle raised the rest.

After 14 months of travelling, Hai was dumped at a service station in England. Here he was met by another Vietnamese man called Cuong who drove to a house in Scotland. Hai was told that he now owed more money for the trip, plus interest. He would have to water cannabis to pay off his debt and be able to send money to his mother and sisters. Hai asked why he could not work in a restaurant, as promised, but Cuong said this was his only option.

Cuong left Hai alone in the house with instructions and locked the doors from the outside. Cuong returned to the house every few days with bits of food and water. Hai asked Cuong if he could go home but Cuong hit him and said he must go nowhere or the police would arrest and beat him.

Three months later, the police raided the house. Hai was arrested and taken to custody. When asked questions, he was confused and too scared to tell them anything. A solicitor advised him to plead guilty. Hai was sentenced to 24 months in an adults' prison and told he would be deported after he had served his sentence.

* *The victim's name has been changed to protect their identity*

Trafficking for exploitation through petty crime and begging

A further form of trafficking for forced criminality into and within the UK is for petty crime such as counterfeit DVD selling, bag-snatching, ATM theft, pickpocketing and forced begging, particularly for children from Central and Eastern Europe (most commonly from Roma communities).

Petty crime, due to its highly visible nature as a public order issue, has been regularly reported in the UK media[38]. Support service providers such as the Poppy Project[39]

38 See, for instance, The Sunday Times, 21st July 2013, Gangs enslave disabled Romanians as street beggars *http://www.thesundaytimes.co.uk/sto/news/uk_news/Society/article1290531.ece*; Scottish Express, 23rd April 2013, 'Romanian gypsy children sent to loot in UK' http://www.express.co.uk/news/uk/190247/Romanian-gypsy-children-sent-to-loot-UK

have also reported cases of trafficking victims being forced to beg and commit petty crime. It was highlighted as a significant criminal threat by Operation Golf, which took place between 2007 and 2010, and consisted of a Joint Investigation Team (JIT)[40] between the Metropolitan Police Service and the Romanian National Police to tackle a specific Romanian organised crime network that was trafficking and exploiting children from the Roma community. Over 1,000 children from one Romanian town were found to be trafficked to Western Europe for forced labour and sexual exploitation. The exploitation of the children in the UK was largely connected to 'street crime' offences such as pickpocketing, bag-snatching, shoplifting and ATM and distraction thefts, as well as through forced begging (see Case Study below for further details on Operation Golf.). According to the available national data, the trafficking of Romanian nationals for criminality is still occurring on a large scale in the UK. In 2012[41], the most common country of origin for potential victims of trafficking was Romania (12%) and of these victims, 24% were criminally exploited.

Case Study: Operation Golf

Operation Golf consisted of a Joint Investigation Team (JIT) between the Metropolitan Police Service (MPS) and the Romanian National Police (RNP) to tackle a specific Romanian Roma Organised Crime Network (OCN) that was trafficking and exploiting children from the Romanian Roma community. The Operation, which ran between 2008 and 2010, was established after a huge increase in thefts and petty crime in Central London was seen. The crimes were being committed by Romanian nationals, and particularly by Romanian children.

Intelligence showed that one OCN was responsible for the trafficking of over 1,000 children from one town in Romania, who, upon arrival into the UK, were being forced to pickpocket and commit other theft offences. The Operation was established to not only dismantle this OCN but to identify and safeguard those being exploited. It adopted a 'root and branch' approach to dismantling the whole trafficking network. Whilst the MPS focused on lower level network members operating in the UK, the RNP tackled the main traffickers who were resident in their jurisdiction. Operation Golf led to the arrest of 126 individuals for a number of offences including trafficking in human beings (including internal trafficking in the UK), money laundering, benefit fraud, child neglect, perverting the course of justice, theft and the handling of stolen goods. Seventy-one convictions were

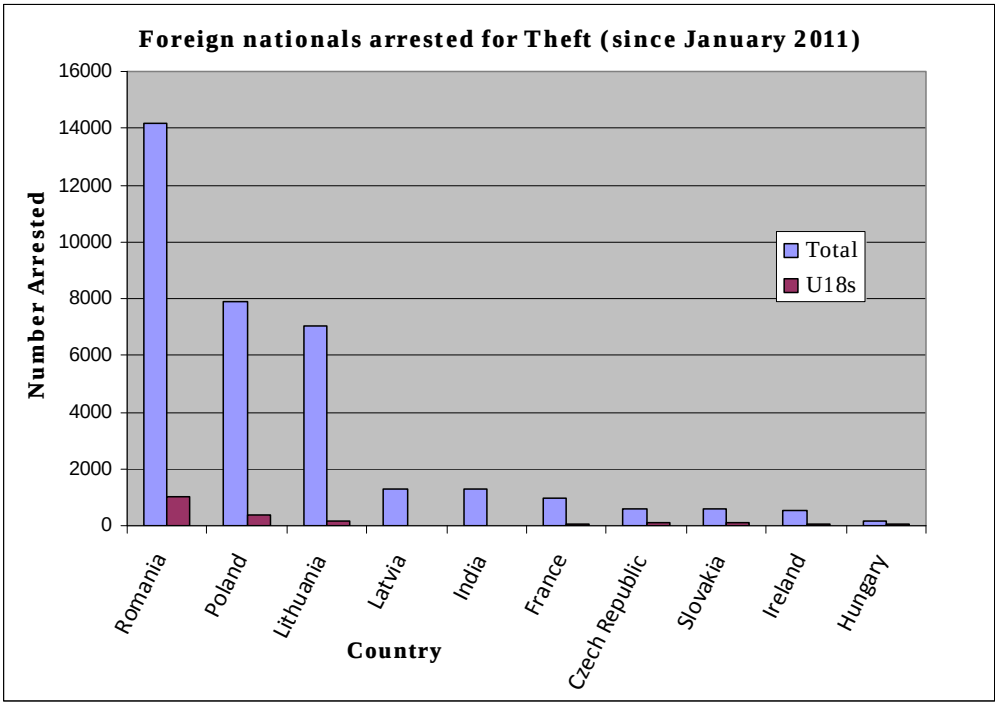
[39] More information on the Poppy Project can be found: http://www.eavesforwomen.org.uk/about-eaves/our-projects/the-poppy-project
[40] Under Article 13 of the European Convention on Mutual Legal Assistance in Criminal Matters of 29th May 2000 (Council of Europe, 2000) and/or the Council Framework Decision of 13th June 2002 (Council of Europe, 2002), a JIT can be created by two or more members states, which allows the authorities in these two states to formally collaborate on the investigations of trans-national crimes.
[41] SOCA, *supra* note 1

gained in total, with 52 individuals gaining custodial sentences equating to a total custodial time of 59 years. The prosecution of the Romanian-based criminal members is ongoing. The decision to prosecute them in Romania, rather than extraditing them to the UK was a strategic one as the maximum sentence for trafficking is higher in Romania (20 years' imprisonment), and the Romanian CJS is known to impose harsher sentences than the UK. 29 of the trafficked Romanian children were located and safeguarded.

The operational success of Golf in disrupting the OCN and confiscating their assets showed that JIT legislation is a vital tool in tackling transnational crime.

The *RACE in Europe* project has gathered further data through FOI requests to UK police forces to establish the number and nationality of foreign nationals arrested for theft offences under Section 1 of the 1968 Theft Act[42] since 1st January 2011. The graph below shows the top ten nationalities of those arrested for these offences.

Graph 2. *Top ten countries of origin of foreign nationals arrested for theft offences since January 2011.*



[42] The Theft Act (1968) Available at http://www.legislation.gov.uk/ukpga/1968/60/contents [last accessed 10th December 2013]

From the FOI responses received[43], there were a total of 34,799 arrests made, and Romanians nationals accounted for 41%. For both children and adults, Central and Eastern Europe are the dominant source regions for those arrested in the UK for these crimes.

Over half of the 1,944 children arrested for theft offences in the UK since 2011 came from Romania (53%), followed by Poland (18%), Lithuania (9%), the Czech Republic (5%) and Slovakia (5%). To illustrate, although 1,944 children were arrested since 1st January 2011 for petty crimes, only 52 were reported as having been in the care of Local Authorities[44] across the UK in the same period. As with those arrested for cannabis cultivation, there is a significant discrepancy between the number of children identified by the authorities as having been trafficked for petty crimes and the number who have been charged for these offences.

As with the Vietnamese children arrested for cannabis cultivation, we cannot claim that all those foreign national children arrested were trafficked to commit crime. However, existing evidence suggests that there is a strong likelihood that those children arrested for such crimes in the UK are being exploited through criminal activities. Data collected through FOI responses suggests that such exploitation, recognised as an issue of concern in the UK for a number of years, is continuing (see for instance page 8 on Operation Golf). Further research is needed to understand why this is the case and how best it can be tackled.

Risk factors: Trafficking for Theft & other Petty Crime

Again, to understand why Eastern European nationals, particularly of Roma ethnicity, are especially vulnerable to trafficking, it is important to understand the country-specific context of those trafficked.

The Roma community in countries such as Romania, Slovakia and Bulgaria suffer particularly high levels of poverty, unemployment and discrimination[45]. It is well known that these factors significantly increase vulnerability to trafficking. For instance, the 2011 report on Bulgaria by the Group of Experts on Action against Trafficking in Human Beings (GRETA) recorded that NGO data indicates that over 50% of trafficking victims were from the Roma community, and according to police officers who were interviewed for the report, the Roma community accounted for over 80% of trafficking victims[46].

The historical exclusion, marginalisation and discrimination experienced by the Roma across Europe has led to low levels of education and high unemployment. The

[43] 25 police forces responded to our FOI request
[44] 19 Local Authorities responded to our FOI request
[45] See European Roam Rights Centre and People in Need (ERRC), 'Breaking the Silence. Trafficking in Roma Communities', March 2011, *pp*. 43-56
[46] Group of Experts on Action against Trafficking in Human Beings (GRETA), 2011 Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bulgaria, para. 100. Available at: http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/GRETA_2011_19_FGR_BGR_en.pdf [Last accessed 31st July 2013]

subsequent economic exclusion of the Roma mean they're susceptible to debt and vulnerable to exploitation by traffickers. Debt bondage is cited as a major driver of trafficking[47]. While some Roma communities will rely on neighbours (both Roma and non-Roma) for support, 'their survival strategies are often for them to resort to informal money lenders (known as 'kamatari', essentially loan sharks), who charge exorbitant interest rates and use repressive measures to ensure payment'[48]. These measures can include forcing them to undertake criminal acts such as begging and pickpocketing, or to traffic their own children for the same purpose, in order to clear debts they may have accumulated.

In some child trafficking cases, families may believe that sending their children overseas is the only way to give them a better life, or even their only chance for survival. They may or may not be aware that their children will be involved in criminal activities. However, some children may be accompanied by their parents or family members, who may force them to beg and steal. Complex grooming and behaviour patterns keep them locked into a cycle of exploitation and they feel obliged to commit criminal activity 'for the good of the family'[49]. They may experience a sense of protection and positive feelings of belonging, usefulness and power by providing income needed by the family[50], which children forced to beg or steal by strangers do not.

[47] ERRC, *supra* note 34, *p*.41
[48] ERRC, *supra* note 34, *p*.53
[49] ECPAT, 2010. Discussion Paper: Child Trafficking for Forced Criminality. Available at: http://www.ecpat.org.uk/sites/default/files/child_trafficking_for_forced_criminality.pdf
[50] In some Roma communities a girl's ability to steal has been linked to her dowry i.e. the better they are at stealing, the greater financial worth they have for the family. http://www.dailymail.co.uk/news/article-2439194/Roma-gypsy-gang-trial-Women-sold-marriage-stealing-skills.html

CASE STUDY: Child Trafficking for Theft & Begging

Maria*, a 13 year old girl from Romania, was trafficked into the UK in 2008. Her Father paid €200 to an organised criminal network to arrange her travel into the country. Once in the UK, Maria was placed with a family in Slough who were part of this criminal network. She was exploited in domestic servitude, having to do the household chores and care for the children. She was made to sleep on the floor and was fed only scraps.

Every day Maria was driven to Surrey and forced to beg, steal and to sell the *'Big Issue'* magazine illegally. After working for 12 hours each day she would be collected, searched and beaten by her traffickers. She was never allowed to keep any of her earnings. Although forced to work on the streets throughout the winter months she was never provided with a coat to wear or anything to eat or drink.

Following an in-depth police investigation as part of Operation Golf in 2008, the house where Maria was living was raided. Four adults, including Maria's father, were convicted of trafficking. Maria was repatriated to Romania and passed into the care of Romanian Social Services.

**The victim's name has been changed to protect their identity*

In some cases, entire families may be held under debt bondage by criminal gangs. If a trafficked child is removed from an exploitative situation by the authorities and is then returned to their home country, there may be a serious risk that they will be kept in a cycle of abuse and exploitation by their extended family. Therefore, this risk must be assessed prior to repatriation

Individuals are forced to beg and steal because of the large amounts of income that they can generate for their traffickers. Evidence suggests that Roma trafficking gangs also operate and move all around Europe. Operation Golf found that a child in the UK can earn as much as £100,000 a year. In addition, children below the age of criminal responsibility (ten years old in England, Wales and Northern Ireland, and eight years in Scotland[51]) cannot be prosecuted, therefore this form of exploitation is seen by traffickers as high-profit and low-risk.

Emerging Trends

[51] The Scottish Government raised the age of criminal prosecution in 2010 to 12 years of age but did not raise the age of criminal responsibility, meaning that although children will not be prosecuted they can still get a criminal record.

Trafficked persons can be exploited through a wide range of criminal activities as their traffickers identify new ways in which to exploit victims. Trafficked persons may also be exploited through multiple activities concurrently (which seems to be an increasing trend), such as through both begging and petty crime combined with sexual exploitation. In the UK some of these emerging enterprises include:

- **Sham marriage**

A number of cases have been reported of European women being trafficked into the UK for the purposes of entering into a forced marriage with a non-EU national in order for the latter to gain long-term residency, the right to work and claim benefits in the UK. For instance in the case of *HMA v Kulova and others*[52] in 2013, a Slovak female was trafficked together with her boyfriend to Scotland by three other Slovak nationals with the view to force her to marry another foreign national[53]. Another Slovakian female was also trafficked for the purpose of sham marriage in a separate case in Burnley in October, 2013[54].

- **Drug trafficking**

Explicitly noted in the recent EU Directive (2011/36/EU)[55], drug trafficking has been recognised as one of the key criminal activities through which someone can be exploited. Men and women may fall prey to traffickers in times of financial hardship, and be forced to become drug mules as a way of repaying the debts incurred. Women may be tricked or emotionally blackmailed by men posing as their boyfriends. Some of these victims may be further exploited, for instance through prostitution, drug dealing or domestic servitude. Others may already be in a situation of exploitation (as a result of being trafficked) and see acting as a drug mule as a way of paying off existing debt faster[56]. Victim support providers, such as the Poppy Project, have reported encountering cases where victims were forced to act as drug mules and were arrested on arrival into the UK, and were subsequently convicted for drug trafficking offences.

- **Illegal charity bag collection**

Several cases of Lithuanian nationals being forced to work for Lithuanian organised crime groups profiting from establishing fictitious charitable organisations have been reported in England[57], Scotland and Wales. Victims are made to participate in

[52] *HMA v Kulova* and others, at Dundee Sheriff Court, 14 January 2013
53 See BBC News, 12th December 2012, 'Three Slovakians found guilty of human trafficking'. Available at http://www.bbc.co.uk/news/uk-scotland-tayside-central-20700438 [Last accessed 24th July 2013]
54 Guardian, 10th October 2013, 'Four jailed over woman's trafficking ordeal' http://www.theguardian.com/uk-news/2013/oct/10/four-jailed-trafficking-bradford-burnley
[55] Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing *Council Framework Decision 2002/629/JHA*
[56] Hales, L. & Gelsthorpe, L. The Criminalisation of Migrant Women, Institute of Criminology, University of Cambridge, UK, 2012. *p*. 38
57 See, for instance, Mancunian Matters, June 24th 2013, ''Modern slavery' in Manchester: Pair lured to Britain on promise of riches... but worked, beaten and starved'. Available at:

the theft of charity clothing bags which are then transported back to Lithuania to be sold for a profit as second-hand goods.

- **Counterfeit goods**

Reports have been made by the Metropolitan Police and some London boroughs, such as Tower Hamlets, about Chinese nationals being forced to sell counterfeit DVDs on the streets of London. The Metropolitan Police have also investigated cases where Chinese nationals were alleged to have been locked in warehouses and forced to produce these DVDs. ECPAT UK is also aware of cases involving children being forced to produce and sell illegal DVDs.

UK Legislation

In line with its international obligations[58], the UK has established provisions within its legislative framework to criminalise trafficking and related exploitation for adults and children. These include the:

- **Sexual Offences Act 2003 (SOA)[59]**, which makes it a criminal offence to traffic a person for the purposes of sexual exploitation.
- **Section 4 of the Asylum and Immigration (Treatment of Claimants) Act 2004[60]**, which criminalises trafficking for exploitation that is not necessarily sexual in nature. The act defines exploitation as behaviour that would fall under the definition of slavery or forced labour under Article 4 of the European Convention on Human Rights[61].
- **Section 71 of the Coroners and Justice Act 2009[62]**, which introduced a new offence of 'holding someone in slavery or servitude', or 'requiring another person to perform forced or compulsory labour'. This offence applies to all victims of forced labour, irrespective of whether they have been trafficked or their immigration status. Section 71 offence applies in England, Wales and Northern Ireland.

The latter two pieces of legislation listed are particularly relevant where individuals are trafficked for the purposes of exploitation through criminal activities or begging. In 2008, following an investigation by Operation Golf into the trafficking of Romanian Roma children for criminality (see case study: Operation Golf on page 8)

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http://mancunianmatters.co.uk/content/240611197-modern-slavery-manchester-pair-lured-britain-promise-riches-worked-beaten-and-star [Last accessed 30th July 2013]

[58] Article 18 of the Council of Europe Convention on Action against Trafficking in Human Beings and its Explanatory Report (Council of Europe Treaty Series No. 197, 2005) stipulates that parties 'are required to criminalise trafficking in human beings', as does Article 2 of EU Directive (2011/36).

[59] UK Government, *Sexual Offences Act (2003)* Available at: http://www.legislation.gov.uk/ukpga/2003/42/pdfs/ukpga_20030042_en.pdf

[60] UK Government, *Asylum and Immigration (Treatment of Claimants) Act 2004*. UK Government, 2004. Available at: http://www.legislation.gov.uk/ukpga/2004/19/pdfs/ukpga_20040019_en.pdf

[61] Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14*, 4 November 1950, ETS 5. Available at: http://www.refworld.org/docid/3ae6b3b04.html [Accessed 25 July 2013]

[62] UK Government, *Coroners and Justice Act 2009.* Available at: http://www.legislation.gov.uk/ukpga/2009/25/pdfs/ukpga_20090025_en.pdf

the first ever UK convictions under the 2004 Asylum and Immigration Act were obtained.

In Scotland, the legislative provisions to criminalise trafficking and related exploitation differ only slightly to those in England, Wales and Northern Ireland. Section 22 of the Criminal Justice (Scotland) Act 2003 and Section 47 of the Criminal Justice and Licensing (Scotland) Act 2010 largely mirror the SOA and Section 71 of the Coroners and Justice Act (2009) respectively. The Asylum and Immigration (Treatment of Claimants) Act 2004 is in place to govern labour trafficking, as it is in the rest of the UK.

There is a range of policy and guidance in the UK to assist authorities in the investigation and prosecution of trafficking crimes. These include, but are not limited to:

- Crown Prosecution Service (CPS) guidance on 'Human Trafficking and Smuggling'[63]
- Scotland's Prosecution Service (Crown Office and Procurator Fiscal Service) 'Guidance on Prosecuting Trafficking Offences'[64]
- CPS guidance on 'Slavery, Servitude and Forced or Compulsory Labour'[65]
- CPS Policy for Prosecuting Cases of Human Trafficking[66]
- Law Society Practice note on 'Criminal prosecutions of victims of trafficking'[67]

Despite extensive legislation and guidance, prosecution and conviction rates for trafficking crimes in the UK remain low. For instance, in 2011 only 8 people were successfully convicted where trafficking was the principal offence[68]. Therefore not only are the traffickers enjoying impunity, but there is a deep concern that those trafficked are instead being punished for the crimes that their traffickers force them to commit.

[63] Crown Prosecution Service, Legal Guidance: Human Trafficking and Smuggling. London: CPS, Undated. Available at: http://www.cps.gov.uk/legal/h_to_k/human_trafficking_and_smuggling/ [Last accessed 25th July 2013]
[64] Crown Office and Procurator Fiscal Service, Guidance on Human Trafficking Offences. Edinburgh: COPFS, October 2010. Available at: http://www.copfs.gov.uk/images/Documents/Prosecution_Policy_Guidance/Guidelines_and_Policy/Guidance%20on%20Human%20Trafficking%20Offences.pdf [Last accessed 25th July 2013]
[65] Crown Prosecution Service, Legal Guidance: Slavery, Servitude and Forced or Compulsory Labour. London: CPS, April 2010. Available at: http://www.cps.gov.uk/legal/s_to_u/slavery_servitude_and_forced_or_compulsory_labour/ [Last accessed 25th July 2010]
[66] Crown Prosecution Service, CPS Policy for Prosecuting Cases of Human Trafficking. London: CPS, May 2011. Available at: http://www.cps.gov.uk/publications/docs/policy_for_prosecuting_cases_of_human_trafficking.pdf [Last accessed 25th July 2013]. Following the recent Court of Appeal judgment on the non-criminalisation of trafficked victims (*R v L and Others* [2013] EWCA Crim 991 (Judgment of 21 June 2013) this guidance is currently being revised.
[67] Available at: http://www.lawsociety.org.uk/advice/practice-notes/victims-of-trafficking/ [Last accessed 25th July 2013]
[68] See IDMG, *supra* note 7, p.35. The UK Government argues that if traffickers are not prosecuted for trafficking offences they may instead be convicted for offences related to human trafficking.

Non- Criminalisation of Trafficking Victims

> *"Trafficked persons have been victims of one or more serious criminal offences. States have obligations to assist such persons, and not treat them as criminals"*
>
> – Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (2013)[69]

Forcing others to undertake criminal activities is a lucrative and a low-risk enterprise for traffickers. If caught it will be the victim, as the perpetrator of the crime, who is punished for the criminal act. Because of the fear instilled in them by their trafficker about the potential repercussions to them or their family, often coupled with a fear of the authorities, a trafficked person is often reluctant to speak out about those who forced them to commit crime. Child victims of trafficking are recognised as being 'particularly vulnerable'[70], as these factors are compounded by their age and exacerbated by the control methods employed by their adult traffickers.

However, it has been internationally recognised that victims of trafficking may be forced to commit crimes as a result of their trafficking situation, and that ensuring they are not punished for these crimes is an 'essential element of a human rights approach'[71]. Hence, European legislation, by which the UK is bound, provides for the non-punishment of trafficking victims for crimes that they have been forced to commit as a result of their trafficking. Article 26 of the 2005 Trafficking Convention[72] states that parties shall 'provide for the possibility of **not imposing penalties** on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so'.

Article 8 of the 2011 EU Trafficking Directive[73] goes further when it states that;

> 'Each Party shall take the necessary measures to ensure that competent national authorities are entitled **not to prosecute or impose penalties**[74] on victims of trafficking in human beings for their involvement in criminal activities…[*which are committed as a result of their trafficking*].

The CPS provides legal guidance[75] to prosecutors in cases where the suspect is a potential victim of trafficking. In such cases, the prosecutor must make full enquiries as to the circumstances in which they were apprehended and whether they would

[69] Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (2013) Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking', p. 13
[70] EU Directive 2011/36, *supra* note 56
[71] Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, *supra* note 52, p. 15
[72] See *supra* note 3
[73] EU Directive 2011/36, see *supra* note 56
[74] This differentiation ensures that the victim, as well as not being prosecuted, should not be subject to administrative penalties, such as financial penalties.
[75] See *Supra* note 41

support a defence of duress in law. If the requirements for a defence of duress cannot be met then it must be considered whether it is in the public interest to continue with the prosecution[76].

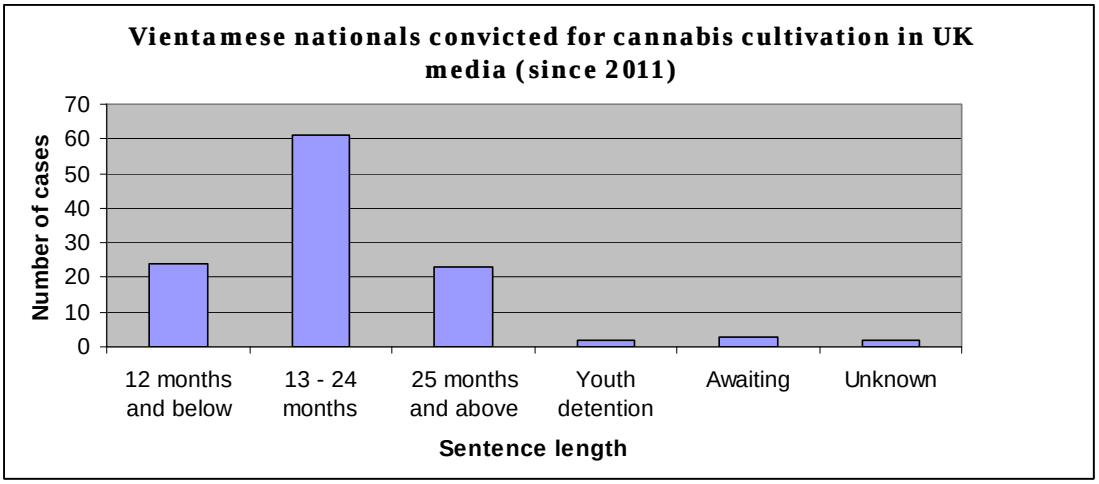
In 2010, the Association of Chief Police Officers (ACPO) released guidance on 'children recovered in cannabis farms'[77] for police, advising that: 'Every individual identified as, or claiming to be, a child or young person in a cannabis farm should be assessed on a case by case basis to ascertain whether they may have been trafficked.' The Children's Commissioner for England has recommended that, since virtually all unaccompanied Vietnamese children in Kent go missing (and most of those recovered to date had been found in cannabis factories), "all unaccompanied Vietnamese children should be regarded, *prima facia*, as having being trafficked" [78].

However, despite the existence of non-punishment provisions in EU law and policy, trafficking victims continue to be prosecuted for the crimes they are forced to commit[79]. The *RACE in Europe* project, recently undertook a UK media search which identified 142 cases[80] of Vietnamese nationals who had been prosecuted and convicted for cannabis cultivation since January 2011 where there were significant indicators[81] present to suggest that they were in fact trafficking victims forced to undertake this criminal activity. It is important to note that this is not an extensive resource of cases as, in many instances, the case is not reported in the media at all or the details, such as nationality, age or potential indicators of trafficking, are not known or not recorded. This suggests those cases identified by the *RACE in Europe* project maybe just the 'tip of the iceberg'.

Moreover, the research indicates that 95% of those convicted were male with an average age of 31 years. The graph below shows the length of custodial sentences received in the reported cases.

[76] See ATMG, supra note 5, pp.92-102, for further information on UK policy on non-punishment provisions.
[77] Position from ACPO Lead's on Child Protection and Cannabis Cultivation on Children and Young People Recovered in Cannabis Farms. http://www.ceop.police.uk/Documents/ceopdocs/externaldocs/160810_ACPO_lead%27s_position_on_CYP_recovered_from_cannabis_farms_FINAL.pdf [Last accessed 14 October 2013]
[78] The APPG for Runaway and Missing Children and Adults and the APPG for Looked After Children and Care Leavers, June 2012, 'Report from the Joint Inquiry into Children who go missing from care. Available at: http://www.childrenssociety.org.uk/sites/default/files/tcs/u32/joint_appg_inquiry_-_report...pdf [Last accessed 23rd October 2013]
[79] This may include the use of a false instruments e.g. the appellant in R v O [2008] EWCA Crim 2835 was a young Nigerian female who had been trafficking to the United Kingdom for the purpose of sexual exploitation and was arrested trying to leave the country and travel to France (to escape her trafficker) using a false identity card.
[80] Nine of whom were children at the time of their arrest.
[81] These were the reported details of the case which showed that the constituent elements of the trafficking definition, according to the United Nations Trafficking Protocol (2000), i.e. the 'act', 'means' and 'purpose', had been met.

Graph 3. *Custodial sentence length for Vietnamese nationals convicted for cannabis cultivation crimes.*



Not only did the articles often highlight the exploitation that individuals were subjected to (see Graph 4 below) but, of greater concern, the judges in the cases also frequently acknowledged this exploitation, and in some cases even noted that the suspect had been trafficked[82].

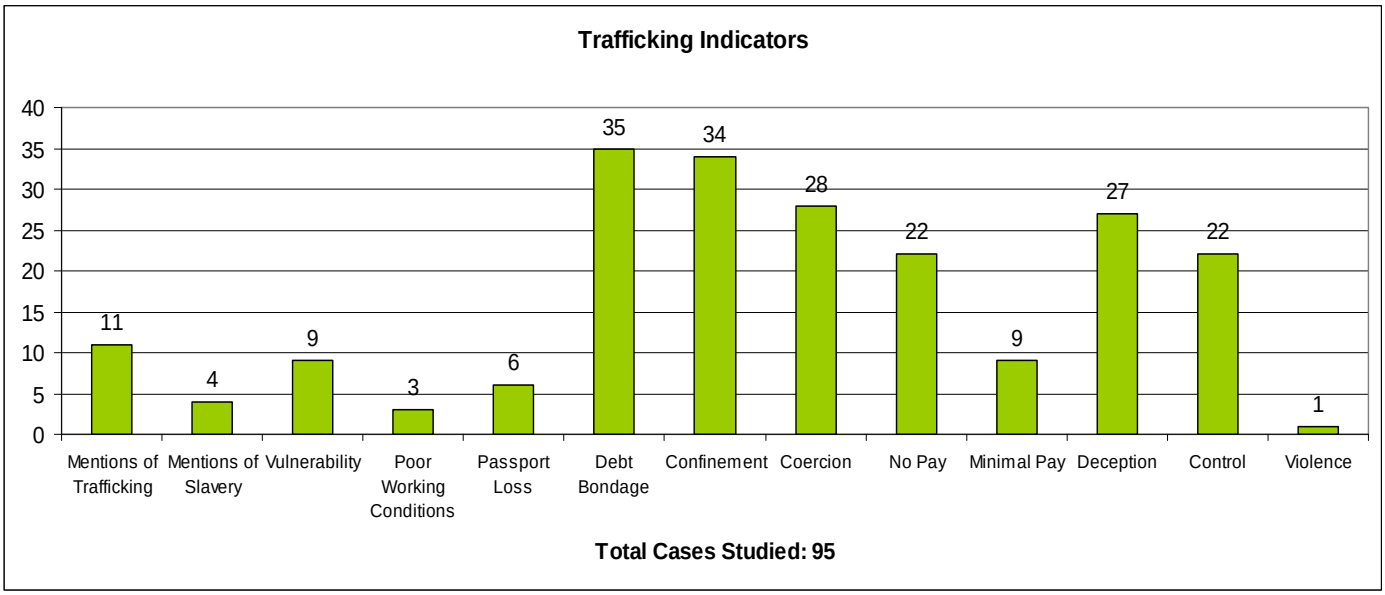
[82] See for instance, 'Man trafficked by 'mafia' to set up Bradford cannabis factory', Telegraph & Argus, 8th November 2012. Available at: http://www.thetelegraphandargus.co.uk/news/10033060.Man_trafficked_by___mafia___to_set_up_Bradford_cannabis_factory/ [last accessed 26th July 2013]

Case Study: Criminalisation of Victims of Trafficking

Son Van Trinh (39) and his family fell into financial hardship and were struggling make ends meet. Along with his family he made the difficult decision to leave his native Vietnam in search of work and a way to support his family.
He paid £25,000 to be smuggled in the back of a lorry through Chechnya and into France before arriving in the UK. He was taken to a large house in Lancashire where he was told he would have to tend to 319 plants and was given only a mattress on the floor to sleep on and some food rations.
When the house was raided by the police he was found inside frightened and confused, he had no idea which country he was in.
He was charged with drug offences and sentenced to 16 months in prison. The judge, when handing down his sentenced said 'You were engaged maybe by pressure and **coercion**, but it is probably more right to say that you were involved through naivety and **exploitation**.'

1 Lancashire Evening Post, 18th December 2013, Cannabis Farmer gets Locked Up after Bust. Available at; http://www.lep.co.uk/news/local/cannabis-farmer-gets-locked-up-after-bust-1-6323095 [Last Accessed 18th December 2013]

Graph 4. *Trafficking indictors present within media articles*



These cases suggest that a large number of trafficked Vietnamese nationals may be currently held within UK prisons and Young Offender Institutes (YOI) across the UK. Our findings support those from a recent study[83] by the Cambridge Institute of Criminology of foreign women within the female prison estate. The research found that of the 103 migrant women within the study who were being detained for offences linked with trafficking (such as the use of false identity documents or the production of cannabis), 43 were victims of trafficking.

The research therefore highlights a lack of awareness of trafficking indicators (such as the individual being deceived or coerced into undertaking the work, receiving little or no pay, or being unable to leave the situation), and a resulting widespread failure to identify trafficking victims as such[84]. There is also insufficient knowledge amongst legal professionals of the Crown Prosecution Service (CPS) and their relevant guidance. The research therefore affirms that currently in the UK a significant number of trafficked persons are being punished and prosecuted for the crimes they have been forced to commit while their traffickers enjoy impunity.

The consequences of failing to identify victims and punishing them for crimes they have been forced to commit are significant. The individual may suffer secondary victimisation, have a criminal record and be vulnerable to going missing, deportation

[83] Cambridge: Institute of Criminology(2012) The criminalisation of migrant women. Available at: http://www.crim.cam.ac.uk/people/academic_research/loraine_gelsthorpe/criminalreport29july12.pdf [Last Accessed 31st July 2013]

[84] The CPS has recently created the *Seven Stages of Intervention for a Victim of Trafficking who may be Criminalised* model which identifies at least seven opportunities within the CJS to raise the issue and stop criminalisation of trafficked persons. See Annex for the full model.

and re-trafficking[85]. Treating victims of trafficking as criminals rather than protecting them, perpetuates the crime and guarantees impunity for traffickers. It also compounds any existing fear the victim may have of the authorities and reduces the likelihood that they will assist in further investigations.

Recent legal developments on the non-punishment provision

In May 2013, the UK Court of Criminal Appeal heard four cases in which the non-punishment provision of trafficked persons was considered; three of the cases concerned children trafficked from Vietnamese trafficked children who were forced to work in cannabis farms and were convicted for cannabis cultivation. The fourth case concerned a Ugandan woman trafficked for sexual exploitation, who was prosecuted on the charge of using a false passport. The Court quashed all four convictions, recognising the importance of the non-punishment provisions enshrined in Article 8 of the EU Trafficking Directive (2011/36). The judgment[86] reiterated that in situations where the criminal offence with which the victim of trafficking is charged is a manifestation of their exploitation, then the prosecution should be stopped. Although the non-punishment provision should be applied by all law enforcement agencies, the judgment specifically noted that if a case reaches a criminal court, it is the Court's role to stand between the prosecution and trafficked person, that is to say that the prosecution will be stayed if the Court disagrees with the decision to prosecute[87]. This landmark judgment sets an important precedent to ensure that trafficked persons are protected from criminalisation, and instead highlighted the importance of investigating the traffickers in these cases. As a result of this judgment, the CPS is currently revising its guidance[88] on prosecutions where the individual may be a victim of trafficking.

Experience of victims

The identification of trafficked persons at the earliest possible point is paramount and a pre-requisite for the non-punishment provision. Rapid identification is imperative to ensuring that the UK meets its international obligations to provide full support and protection measures to victims of trafficking, especially in the case of children. .

There are at least seven opportunities within the criminal justice system where different actors could potentially identify a suspect as a victim of trafficking and prevent prosecution from going ahead[89]. Guidance is available to frontline professionals to assist in the identification of victims of trafficking. For instance, the Association of Chief Police Officers of England, Wales and Northern Ireland (ACPO) has provided guidance[90] for police forces when encountering children found working

[85] See the 'Children going missing' section on page 20
[86] *R v L and Others* [2013] EWCA Crim 991 (Judgment of 21 June 2013). Available at: http://www.bailii.org/ew/cases/EWCA/Crim/2013/991.html [Last accessed 30th August 2013]
[87] See *supra* note 63, paragraph 17
[88] CPS, *supra* note 57
[89] See ATMG, 2013, In the Dock, p. 98 and p.153 and The 7 Stage Identification Model in Annex
[90] Association of Chief Police Officers (ACPO), Position from ACPO Lead's on Child Protection and Cannabis Cultivation on Children and Young People Recovered in Cannabis Farms. Available at: http://www.raceineurope.org/wp-

in cannabis farms. The document makes it clear that, in line with procedures set out in the government's 'Safeguarding Children who may have been trafficked' guidance[91], all police forces should work with local authorities to ensure early identification of trafficked victims before entering any suspected cannabis farm. A lack of awareness of this relevant guidance and trafficking in general could lead to a situation where victims, particularly children, come into contact with the authorities numerous times before being identified as victims (see Case Study: Experience if Victims below, page 21), hence the importance of the wider distribution of the guidance and training.

Children Going Missing

It is an ongoing concern that a high proportion of child victims of trafficking who are removed from exploitative situations subsequently go missing from the accommodation in which they have been placed. A considerable number of the children affected by this are those who have been trafficked for forced criminality, particularly Vietnamese children. This is a problem across the EU, where some social services report 90% of children going missing from the accommodation in which they are housed[92]. In the UK, it is reported that 60% of suspected child victims of trafficking go missing from local authority care[93].

The NSPCC's Child Trafficking Advice Centre received 715 child referrals from 13th September 2007 to 19th April 2012. 161 of those referrals had been reported missing at some time. Of the children who went missing, 58% were being exploited for criminal activity (street-based crimes) and cannabis cultivation[94].

Children often remain in contact with and under the control of their traffickers, even if they have been removed from an exploitative situation, such as a cannabis farm. If sufficient measures are not put in place, there is a grave danger that contact between child and trafficker will remain, ultimately leading to the child being re-trafficked and placed in further harm.

In the UK there are no commonly agreed safety and protection standards for the placement of children who are suspected or known to be trafficked. This has allowed safeguarding issues to be side-lined leading to further harm to the child. In an attempt to fill this information void, ECPAT UK has created a set of guiding principles[95]

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content/uploads/2013/03/160810_ACPO_leads_position_on_CYP_recovered_from_cannabis_farms_FINAL.pdf [Last Accessed 31st July 2013]

[91] Department for Education, 2011, 'Safeguarding children who may have been trafficked'. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/177033/DFE-00084-2011.pdf [last accessed 31st August 2013]

[92] Council of the Baltic Sea States (CBSS), 2013, *Children trafficked for exploitation in begging and criminality.* Available at: http://www.childcentre.info/public/Childtrafficking_begging_crime.pdf [last accessed 1st August 2013]

[93] ECPAT UK, 2007, supra note 11

[94] Available at: http://www.nspcc.org.uk/Inform/research/ctail/response-missing-children_wdf89466.pdf [Last accessed 14th October 2013]

[95] The principles are available at: http://www.ecpat.org.uk/content/principles-safe-accommodation-child-victims-trafficking

which should be implemented when looking to safely accommodate any child victim of trafficking.

Conclusion

Trafficking for criminal exploitation and forced begging continues to be an issue of concern in the UK, particularly trafficking for petty crime and forced labour in cannabis cultivation. Although national trafficking statistics have begun to acknowledge this, the findings from the *RACE in Europe* project research suggest that the true extent of this phenomenon has thus far been underestimated. There needs to be an increased awareness by frontline professionals that trafficked persons can, and are, being exploited through criminal activities, sometimes in multiple ways. In order to tackle this, there needs to be a shift in focus away from the criminalisation of victims and greater concentration on bringing traffickers to justice. To achieve this, the UK will need to examine other policies and areas of police priority, such as those aiming and combating drugs, and link their trafficking enforcement activities with them.

Despite the existence of non-punishment provisions within European legislation, most recently expressed in Article 8 of the EU Trafficking Directive (2011/36), and national guidance to assist with its implementation, trafficked persons continue to be prosecuted for the petty crimes they have been forced to commit as a result of their trafficking, whilst their traffickers largely go unpunished. The impact that the recent Court of Criminal Appeal judgment (*R v L and Others* [2013]) will have is yet to be seen but it is hoped it will set a precedent to ensure that trafficked persons are no longer punished nor prosecuted, and instead receive the support and protection they are entitled to as victims of a crime. Their rapid identification as trafficked persons is imperative in this process, especially for child victims who are particularly vulnerable and at a high risk of being re-trafficked internally in the UK or internationally out of the UK.